

HOUSE BILL 2959
By McCord

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 1 and Title 55, Chapter 12, Part 1, relative to reports concerning certain motor vehicle accidents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-12-104(a), is amended by designating the existing language as subdivision (1) and by deleting the first sentence in its entirety and by substituting instead the following language:

The operator of a motor vehicle which is in any manner involved in an accident within this state in which any person is killed or injured, or in which damage to the property of any one (1) person, including the operator, in excess of twelve hundred dollars (\$1,200) is sustained, shall report the matter in writing to the commissioner within twenty (20) days after the occurrence of such accident, except as provided in subdivision (a)(2).

SECTION 2. Tennessee Code Annotated, Section 55-12-104(a), is further amended by adding the following language as a new subdivision (2):

(2) If, within such twenty-day period, the operator of a motor vehicle which is in any manner involved in an accident within this state:

(A) In which no person is killed or injured; and

(B) Where the only damage is property damage in excess of the amount stated in subdivision (a)(1),

decides to pay for, or agrees to be reimbursed for, such damage by an operator or operators involved in such accident, and all parties involved in the accident agree in writing that no claims will be filed with the automobile liability insurance carrier for such

damage, then no operator shall not be required to file the report otherwise required to be filed pursuant to subdivision (a)(1), and the penalty for failure to file the report under this section shall not apply to any such operator.

SECTION 3. Tennessee Code Annotated, Title 55, Chapter 12, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section _____. The damage amount in excess of which a report is required to be filed pursuant to § 55-12-104(a)(1) shall be increased to reflect the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics, annually on January 1, starting in 2007. Any amount adjustment under this section shall be rounded to the nearest multiple of one hundred dollars (\$100). The commissioner shall publish the increased amount on the state's web site.

SECTION 4. Tennessee Code Annotated, Section 55-12-105(a), is amended by deleting the language "in excess of four hundred dollars (\$400)" and by substituting instead the language "in excess of the amount stated in § 55-12-104(a)(1)".

SECTION 5. Tennessee Code Annotated, Section 55-10-108(b), is amended by designating the existing language as subdivision (b)(1), by deleting the word "Every" and substituting instead the language "Except as provided in subdivision (b)(2), every", and by adding the following language to be designated as subdivision (2):

(2) If prior to such seven (7) calendar day period, the operator of a motor vehicle involved in a motor vehicle accident within this state in which no person is killed or injured and the only damage is property damage in excess of the amount stated in §55-12-104(a)(1), decides to pay for or agrees to be reimbursed for such damage by an operator or operators involved in such accident; and

(A) All parties involved in the accident agree in writing that no claims will be filed with the automobile liability insurance carrier for such damage; and

(B) The law enforcement officer investigating the accident is notified in writing of such facts;

then, such law enforcement officer shall not forward the written report of such accident to the department.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.